

OLC 71-0223

6 April 1971

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Agency Views on a Bill "To Establish a
Temporary National Security Commission"

1. This memorandum recommends an Agency position and a reply to proposed legislation.

2. Chairman Hebert, House Armed Services Committee, has requested Agency views on a bill (Tab A) "To establish a Temporary National Security Commission" introduced by Representative William Fitts Ryan (D., N. Y.). The same bill was introduced in the last Congress but was not acted upon. No hearings were scheduled and an Agency position was not requested. Indications are that the bill will not be given favorable consideration in this Congress but an Agency position has been requested for the record.


3. The bill establishes a temporary Commission (two years) to conduct a broad study of programs, objectives, and management of the Defense Establishment and the effectiveness of its inter-agency coordination. The CIA is included. The Commission is to recommend remedial legislation and membership is to be drawn from Congress, private life and the General Accounting Office. Subpoena powers are granted and agency heads are required to provide access to "official data" which includes classified information. The Commission may establish its own security standards and arrange for investigation of its personnel as it deems appropriate. The advice of the Director of Central Intelligence is to be sought to assure the protection of sources and methods.

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4. We believe that the Agency should defer to the Congress on the question of who should exercise legislative oversight, as we have in the past. Of concern, however, is the apparent unlimited access to classified information, including intelligence, to be protected only under the Commission's own standards. Conflict will undoubtedly develop with appropriate Executive Orders, directives, and statutes affecting personnel and physical security. In this regard, the advisory role of the Director to protect sources and methods is unclear. The use of private individuals would further complicate security problems.

5. The security considerations could be spelled out in our reply to the Committee. However, since the scope of the study is not known, we suggest deferring the detailing of objections until such time as action may be scheduled on the bill.

6. If you approve, I recommend that you sign the attached report (Tab B). A copy will be forwarded to the Office of Management and Budget for clearance before it is dispatched.


John M. Maury
Legislative Counsel

CONCUR:

SIGNED
D/DCI/NIPE

7 APR 1971
Date

SIGNED
Deputy Director for Plans

9 APR 1971
Date

SIGNED
Deputy Director for Support

14 APR 1971
Date

SIGNED
General Counsel

16 APR 1971
Date

Attachments

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